



October 4, 1999

Warden Michael V. Pugh  
United States Department of Prisons  
United States Penitentiary Administrative Maximum  
Post Office Box 8500  
Florence, CO 81226-8500

Dear Warden Pugh:

I am writing to you to request 1.) a meeting with inmate Theodore John Kaczynski (registration # 04475-046) or 2.) a legal call between Jeffrey Miller and Mr. Kaczynski; this may be admissible according to the Program Statement Blake Davis me to review before writing this letter.

I have already visited the above inmate as a media consultant and journalist for *Talk Magazine*. This was a necessary condition of the interview, and I agreed to accompany journalist Stephen J. Dubner. My role was to work out the details of an article that was specifically an excerpt from Mr. Kaczynski's forthcoming book *Truth versus Lies*, which I performed as Publisher and Editor-in-Chief of Context Books, Mr. Kaczynski's publisher. The excerpt was only briefly discussed during that interview. Mr. Dubner's portion took up the majority of the time.

I later denied *Talk Magazine's* request for the excerpt, on the grounds that they were dishonest. In addition, Mr. Dubner's article will not be published by *Talk* because that magazine broke some of the conditions of publication. Mr. Dubner is currently trying to place the same article with *Time Magazine*. This depends only on permission from Mr. Kaczynski, which has been requested. Because Mr. Kaczynski is a controversial figure, there may be differences between the media group that requests an interview and the media group that publishes it. My hope is that the *final* publisher-in-fact will in the future need to get permission from Mr. Kaczynski, per Mr. Dubner and *Time Magazine*. This is due to the fact that not all persons and organizations are as reputable as the above parties.

Throughout the remainder of this letter, I will refer to citations numbered LTW1-LTW8 and provided in an enclosure marked REFERENCES. I would like to begin by saying that I believe my request is in keeping with the Program Statement where it states: "It is not the intent of this rule to provide publicity for an inmate or special privileges for the news media, but rather to insure a better informed public." (LTW1)

As you may know, Mr. Kaczynski, has been subject to much misinformation, both about his person, his pre-trial, and his appeal which is still pending in the Ninth Circuit of Appeals. The

appeal hinges on certain abuses of the constitution during his pre-trial and eventual guilty plea. Since Mr. Kaczynski's book is largely about this misrepresentation, it is a matter of important public information. Having said this:

I would like to be considered under the provisional conditions provided for in LTW2, that an author with a publisher may be permitted access to an inmate. I realize that I am not an author. I also assume that the Program Statement may not have taken into account the unusual circumstances of an inmate entering into an agreement to publish a book. I hope that it may be possible to include the requested interview as if it were comparable to LTW2.

The Program Statement provides that legal counsel may be secured to prepare legal documents. (LTW 3) While the preparation of the book is not a legal document, it could be entered onto the record in a legal proceeding, and thus needs to be prepared as though it is a legal document. If I cannot be admitted, I would request that you allow Attorney Jeffrey Miller (who is now also Mr. Kaczynski's counsel on issues that are associated with the publication of his book) to meet with Mr. Kaczynski. The requirements for this meeting seem to be met with regard to LTW 4 and LTW 5, and the right for such a meeting finds no resistance in LTW7 (there have been no violations). Also: this meeting is partially supported in LTW8: "The warden may not deny correspondence or visiting rights with attorneys generally." I understand that the warden may still deny particular requests such as the present one at his discretion with regard to maintaining order at the ADX without compromising the availability of BOP staff.

With all of this taken into account, I would like to arrange for a one to two-day meeting so that the details in question can be settled thereby permitting the timely publication of Mr. Kaczynski's book. It is my opinion, and that of Attorney Miller, that a meeting has become necessary as soon as it is convenient for the staff at the ADX.

In the event that you should decide that neither Mr. Miller nor I may be allowed the above requested meeting, I would like to request, on the behalf of Attorney Miller, that legal calls be permitted for the resolution of this matter. (LTW6) Attorney Miller requested to place a call to Mr. Kaczynski on September 27 and was denied the call on the 28<sup>th</sup>.

Thank you for your consideration of the above, and I look forward to your response. I can be reached by phone at 212-571-4866 and by fax at: 212-964-1810.

Yours sincerely,



Beau Friedlander